

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LEO JAMES HAGAN,

Defendant.

CR-19-71-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on January 11, 2023. (Doc. 77.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on January 10, 2023. (Doc. 72.) The United States accused Leo Hagan, (Hagan) of violating his conditions of supervised release 1) by using methamphetamine on five separate occasions; 2) by failing to make a good faith effort to obtain a GED; 3) by failing to report for

substance abuse testing on five separate occasions; and 4) by failing to report for substance abuse treatment on two separate occasions. (Doc. 71.)

At the revocation hearing, Hagan admitted to violating the conditions of his supervised release 1) by using methamphetamine on five separate occasions; 2) by failing to report for substance abuse testing on five separate occasions; and 3) by failing to report for substance abuse treatment on two separate occasions. The government moved to dismiss alleged violation 4. (Doc. 72.) Judge Johnston found that the violations Hagan admitted proved to be serious and warranted revocation, and recommended revocation of Hagan's supervised release and recommended a custodial sentence until January 31, 2023, with 35 months of supervised release to follow, with the first 60 days of supervised release in a secure inpatient drug treatment facility such as Alpha House in Billings, Montana. Judge Johnston recommended that Hagan should be required to be employed a minimum of 30 hours a week while on supervised release. (Doc. 77.) Hagan was advised of his right to appeal and his right to allocute before the undersigned and he waived those rights. (Doc. 72.) The violations prove serious and warrant revocation of Hagan's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 77) are **ADOPTED IN FULL. IT IS FURTHER**

ORDERED that Defendant Leo James Hagan be sentenced to the Bureau of Prisons until January 31, 2023, with 35 months of supervised release to follow, with the first 60 days of supervised release in a secure inpatient drug treatment facility such as Alpha House in Billings, Montana. Hagan should be employed a minimum of 30 hours a week while on supervised release.

DATED this 11th day of January, 2023.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court